

REMARKS/ARGUMENTS

Claims 1-7, 14 and 18-20 are now active in this application. Claims 8-13, 15-17 and 21 are withdrawn as being directed to non-elected species.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 1-7, 14 and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suga et al. (USPN 6,192,191) in view of Anderson et al. (USPN 6,765,612). The Examiner maintains that Suga et al. teaches the claimed invention except for the new file name has a characteristic part indicating that said new file is subjected to file-sending. Anderson is relied upon by the Examiner as teaching a file naming system in which each image name is eight characters in length, and includes a prefix 432, and an image number 434. The Examiner further contends that Anderson teaches that every image captured by the camera, whether new or old, that is transmitted to a computer is given a unique name (column 6, lines 21-35).

To expedite prosecution, independent claims 1, 14 and 18 are amended to recite, *inter alia*:

a sending part for sending said new file with the new file name to said server,

In the inventions recited in amended claims 1, 14 and 20, new files would be separately stored from the old files and have new (different) file names that include a characteristic part that itself indicates that the new file is subjected to file-sending. The characteristic part indicates the file being subjected to file-sending no matter whether the file is stored in the camera or in the server (after being sent).

In Anderson, the unique name, eight characters in length including a prefix 432, of each file stored in the camera, has **NO** indication that the file *will be sent* to the host computer. It is merely a unique name that distinguishes the file from any other file in the camera. The point of Anderson is to provide a method of *minimizing naming conflicts* that could occur with completely different pictures; i.e., a new picture might be stored with the same name of a completely different picture that is already stored resulting in the already stored (completely different) picture being overwritten.

That is, Anderson provides a new name for each new image stored in the EEPROM of the camera to minimize the possibility that if an image is sent from the EEPROM to the host computer, there will be another (different) picture with the same name which would be lost via the new image overwriting the old image. While each name in the EEPROM may be unique, there is nothing in each new unique name that indicates that the image (file) is subjected to image (file)-sending.

The Examiner contends that Anderson, in FIG. 8, discloses the new file name has a common part common to said original file name (claims 2, 19). However, this is incorrect as the 000### (common part) has no bearing to a previous (original) file name.

As amended independent claims 1, 14 and 18 are patentable over Suga et al. and Anderson, considered alone or in combination, the allowance of amended independent claims 1, 14 and 18, as well as of dependent claims 2-7, 19 and 20 is respectfully solicited.

CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues

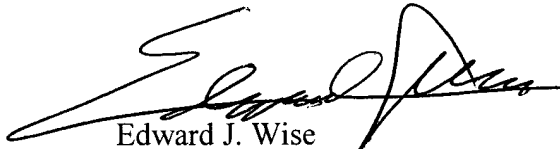
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that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read 'Edward J. Wise', is written over a horizontal line.

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